



## RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)

### Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this Response to Notice of Non-Compliant Amendment (37 CFR 1.121), along with all other items identified below, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the below-identified date.

Deposit Date: January 9, 2007

Appl. No.: 09/963,827

Docket No.: 10815.105005 (formerly 180/124/2)

Enclosures: Response to Notice of Non-Compliant Amendment (37 CFR 1.121) (2 pp.); Notice of Non-Compliant Amendment (37 CFR 1.121) (copy, 9 pp.); Substitute computer readable (on diskette) copy of the sequence listing; Substitute written (on paper) copy of the sequence listing (53 pp.); Statement Regarding Content of Sequence Listing (1 p.); Amendment Including Drawing Replacement Sheets (4 pp.); Drawing Replacement Sheets (2 pp.) and Drawing Annotated Sheets Showing Changes (2 pp.); Petition for Extension of Time (1 p.); Check in the Amount of 60.00; Certificate of Mailing (1 p.); and Postcard.

F. Russell Denton

Name: F.R. Denton



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/963,827  
Applicants : Sullenger *et al.*  
Conf. No. : 1175  
Filed : September 26, 2001  
TC/A.U. : 1635  
Examiner : Sean McGarry  
Title : RNA Aptamers and Methods for Identifying the Same  
Docket No. : 10815.105005 REG001  
Customer No. : 20786

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

January 9, 2007

**TRANSMITTAL LETTER**

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Sir:

On November 9, 2006, the U.S. Patent and Trademark Office mailed a Notice of Non-Compliant Amendment (37 CFR 1.121) ("Notice") for the above application. The Notice requires resubmission of replacement drawings and a corrected Sequence Listing. A Petition for a One (1) Month Extension of Time is enclosed, extending the due date to January 9, 2007.

Enclosed are the following documents in response to the Notice:

- (1) Notice of Non-Compliant Amendment - Copy (8 pp.);
- (2) Response to Notice of Non-Compliant Amendment (5 pp.);
- (3) Drawing Replacement Sheets (2 pp.) and Drawing Annotated Sheets Showing Changes (2 pp.);
- (4) Substitute computer readable (on diskette) copy of the sequence listing;
- (5) Substitute written (on paper) copy of the sequence listing (53 pp.);
- (6) Statement Regarding Content of Sequence Listing (1 pp.);
- (7) Petition for Extension of Time (1 pp.);
- (8) Check in the Amount of 60.00;

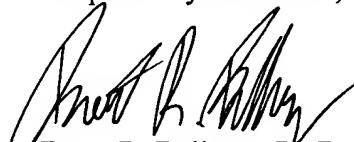
Appl. No. 09/963,827

Notice to Comply with Requirement for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated November 9, 2006  
Response dated January 9, 2007

- (9) Certificate of Mailing; and
- (10) Postcard Receipt.

Applicants believe that the submission of these documents constitutes a complete response to the Notice. The Commissioner is authorized to charge any underpayment or credit any overpayment of fee to Deposit Account 11-0980.

Respectfully submitted,



Brent R. Bellows, Ph.D.  
Registration No. 54,709

January 9, 2007

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UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 16 2007

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,827	09/26/2001	Bruce A. Sullenger	180/124/2	1175

25297 7590 11/09/2006

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EXAMINER

MCGARRY, SEAN

ART UNIT

PAPER NUMBER

1635

DATE MAILED: 11/09/2006

COPY

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant  
Amendment (37 CFR 1.121)

JAN 16 2007

09/963,827

Examiner

SULLENGER ET AL.

Art Unit

~~PATENT AND TRADEMARK OFFICE~~ - The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

The amendment document filed on 27 July 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:

- A. Amended paragraph(s) do not include markings.
- B. New paragraph(s) should not be underlined.
- C. Other \_\_\_\_\_.

2. Abstract:

- A. Not presented on a separate sheet. 37 CFR 1.72.
- B. Other \_\_\_\_\_.

3. Amendments to the drawings:

- A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
- B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
- C. Other \_\_\_\_\_.

4. Amendments to the claims:

- A. A complete listing of all of the claims is not present.
- B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Cancelled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
- D. The claims of this amendment paper have not been presented in ascending numerical order.
- E. Other: \_\_\_\_\_.

5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

U.S. Patent and Trademark Office

Part of Paper No. 20061030

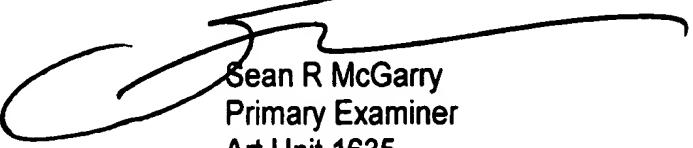
**Response to Amendment**

The reply filed on 7/27/06 is not fully responsive to the prior Office Action, mailed 6/26/06 (please see for information regarding sequence rules), because of the following omission(s) or matter(s): See the attached RAW SQUENCE ERROR REPORT. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean R. McGarry whose telephone number is (571) 272-0761. The examiner can normally be reached on M-Th (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on (571) 272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sean R McGarry  
Primary Examiner  
Art Unit 1635